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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,250

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Brian J. Corell

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EXAMINER

PANTOLIANO JR, RICHARD

ART UNIT

PAPER NUMBER

2194

NOTIFICATION DATE

DELIVERY MODE

04/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/715,250	Applicant(s) CORELL ET AL.	
	Examiner RICHARD PANTOLIANO JR	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10,12,14,15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 12, 14, 15, 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is filed in response to appeal brief received on **07 January 2008** for Application# **10/715,250**. **Claims 1-7, 9, 10, 12, 14, 15, and 17-24** are currently pending and have been considered below.

2. In view of the appeal brief filed on **07 January 2008**, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Thomas Lee/ .

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 1-4, 6, 7, 9, 10, 12, 14, 15, 17-21, and 23** are rejected under 35 U.S.C. 102(b) as being anticipated by Ally et al. (US PGPub: 2002/0107915), hereafter Ally.

5. As per **Claim 1**, Ally discloses the invention as claimed including a computer system comprising:

a) a central processing unit (para. [0007]) (Instructions implementing the web server are stored in a “computer usable medium” are executed);

b) a memory unit coupled to the CPU (para. [0007]) (“computer usable medium”);

c) an application stored in the memory unit and executable by the CPU (para. [0022], [0023]) (Java server pages (JSPs) executing java code); and

d) a facade server stored in the memory unit and executable by the CPU, wherein the facade server hosts the application without utilizing network protocols (para. [0024], [0030])(The web server 14 using adapter 16 to service non-HTTP requests meets this limitation).

6. As per **Claim 2**, Ally further teaches a program stored in the memory unit and executable by the CPU, wherein the program creates an interface between the facade server and a web-browser for exchanging data associated with the application (para. [0024], [0030]) (The adapter 16 is created to act as a converter to allow for non-HTTP requests to be delivered to the non-HTTP requester, thereby meeting the claim limitation).

7. As per **Claim 3**, Ally further teaches wherein the program interacts with the facade server through a local protocol registered on the system (para. [0024]) (The servicing of non-HTTP requests by the adapter 16 meets this claim limitation, since non-HTTP communications are non-network communications).

8. As per **Claim 4**, Ally further teaches wherein the application comprises one of a plurality of applications hosted by the facade server without utilizing network protocols (para. [0023]) (The availability of separate JSPs, servlets, and java programs meet this claim limitation).

9. As per **Claim 6**, Ally further discloses a web-server wherein:
a) the web-server handles connections to the application when operating in a network mode (para. [0023], [0024], [0030]) (The web server 14 directly services the HTTP request from the browser 10), and

b) the facade server handles connections to the application when operating in a local-only mode (para. [0023], [0024], [0030]) (The adapter 16 of the web server 14 services the non-HTTP request from the non-HTTP requester 12).

10. As per **Claim 7**, Ally discloses the invention as claimed including a method comprising:

a) generating application data from a web-based application (para. [0031]) (JSP-based formatted pages) hosted on an executable facade server (para. [0024]) (The web server 14 and adapter 16) via a web-server interface (para. [0030]);

b) providing said application data from the executable faced server to a web-browser (para. [0024]) (non-HTTP requestor 12) using a local protocol (para. [0024], [0030]) (The adapter 16 provides the JSP page to the non-HTTP requester using a non-HTTP protocol); and

c) using said web-browser to display said application data on a display (non-HTTP requester 12).

11. As per **Claim 9**, Ally further teaches wherein the local protocol uses a data transfer mechanism selected from the group consisting of software component models, named data pipes, memory mapped I/O streams, data files, and a combination thereof (para. [0022]) (The delivery of the JSP file to the non-HTTP requestor 16 meets this claim limitation).

12. As to **Claim 10**, Ally further teaches wherein the web-based application generates the application data by utilizing a web-based technology selected from the group consisting of Perl, Java, JavaScript, active server pages (ASP), hypertext preprocessing (PHP), hypertext markup language (HTML), and a combination thereof (para. [0002], [0003], [0023]) (Java server pages (JSPs) contain java code and, when executed, produce HTML code for the client).

13. As per **Claims 12, 14 and 15**, being directed to computer readable media with executable instructions for performing the methods of **Claims 7, 9 and 10**, respectively, these claims is rejected for the same reasoning as provided for **Claims 7, 9 and 10**, respectively.

14. As per **Claim 17**, Ally discloses the invention substantially as claimed including a computer system comprising:

a) means for executing programs (para. [0007]) (CPU executing stored instructions);

b) means for storing data coupled to the means for executing programs (para. [0007]) ("computer usable medium");

c) means for generating application data from a web-based application, wherein the web-based application is stored in the means for storing data and executable by the means for executing programs (Col. 8, lines 27-65); and

d) means for hosting the web-based application, wherein the means for hosting the web-based application is stored in the means for storing data and executable by the means for executing programs (para. [0022], [0023]) (Web server executing java code); and

e) wherein the means for hosting the web-based application does not utilize network protocols (para. [0024], [0030]) (The web server 14 using adapter 16 to service non-HTTP requests meets this limitation).

15. As per **Claim 18**, Ally further teaches wherein a program executed by the means for executing programs interfaces the means for generating application data with a means for viewing the application data (para. [0024], [0030]) (The adapter 16 is created to act as a converter to allow for non-HTTP requests to be delivered to the non-HTTP requester, thereby meeting the claim limitation).

16. As per **Claim 19**, Ally further teaches wherein the means for hosting the web-based application is capable of mimicking a plurality of web-servers (The servicing of non-HTTP requests by the adapter 16 meets this claim limitation, since non-HTTP communications are non-network communications and since the single web server is servicing both HTTP and non-HTTP requests).

17. As per **Claim 20**, Ally further teaches wherein the web-based application comprises a plurality of web-based applications (para. [0023]) (The availability of separate JSPs, servlets, and java programs meet this claim limitation).

18. As per **Claim 21**, Ally further teaches means for hosting data on a network, wherein the means for hosting data on the network is stored in the means for storing data and is executable by the means for executing programs (para. [0023]) (The availability of servlets, and java programs executing on the web server meet this claim limitation); and

wherein the means for hosting data on a network handles connections to the web-based application when the system is operating in a network mode (para. [0023], [0024], [0030]) (The web server directly handles HTTP requests from a browser 10), and

the means for hosting the web-based application without utilizing network protocols handles connections to the web-based application when operating in a local-only mode (para. [0023], [0024], [0030]) (The adapter 16 of the web server services the non-HTTP requests for the web application).

19. As per **Claim 23**, Ally further teaches:

a) providing an executable web server for hosting data on a network (web server 14);

b) if operating in a network mode, using the executable web server to provide connections to the web based application (para. [0023], [0024], [0030]) (The web server 14 directly services the HTTP request from the browser 10), and

c) if operating in a local-only mode, using the executable facade server to provide connections to the web based application (para. [0023], [0024], [0030]) (The adapter 16 of the web server 14 services the non-HTTP request from the non-HTTP requester 12).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claims 5, 22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ally in view of Wong (US Pat: 7,346,649).

22. As per **Claim 5**, Ally does not explicitly teach wherein the application, the facade server, and a web-server interface by which the application exchanges data with the facade server all utilize a common address space.

23. Wong explicitly teaches wherein each of the client and server applications are colocated on the same computer, thereby placing them in the same memory address space (Col. 8, lines 30-35 and Col. 13, lines 53-58) (The personal server 106 and the web-browser 108 are located on the same end-user computer 104).

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24. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Ally with the teachings of Wong. One would have been motivated by the improved performance offered by having both the client and server components stored and executed on the same computer (Wong: col. 5, lines 62-65).

25. As per **Claims 22 and 24**, these claims are rejected for the same reasoning as provided for **Claims 5**.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a) Kapoor et al. (US Pat: 5,682,534) teaches a method for detecting that a client and server are located upon the same computer and, if so, using an interprocess communication mechanism to communicate between the client and server, rather than sending the request over a network; and
- b) Khalidi et al. (US Pat: 5,566,302) discloses a method for allocating shared memory between a client and server when it is detected that they coexist on the same device.

Contact Information

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano, Jr. whose telephone number is (571)270-1049 and whose direct fax number is (571) 270-2049. The examiner can

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normally be reached on Monday-Friday, 8am – 4pm EST. Please note that a request for an interview in regard to the present application should be accompanied by a written agenda (***including proposed amendments***, if available, and ***specific issues*** to be discussed) sent to the fax number cited above.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP
03/31/2008

Richard Pantoliano, Jr.
Examiner
Art Unit 2194

/Thomas Lee/
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